

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 31 PM 4:42

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Eduardo RAMIREZ-Landero,

2.) Gilberto ROJAS-Casian,

Defendant(s)

) Magistrate Case No. *PPZ*

'08 MJ 0233

) COMPLAINT FOR VIOLATION OF:

) Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
) Bringing in Illegal Aliens Without
) Presentation

The undersigned complainant, being duly sworn, states:

On or about **January 30, 2008**, within the Southern District of California, defendants **Eduardo RAMIREZ-Landero** and **Gilberto ROJAS-Casian**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Francisco RUANO-Sandoval, Mario A. DURAN-Cerrillo, and Felipe De Jesus VARGAS-Ruano** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

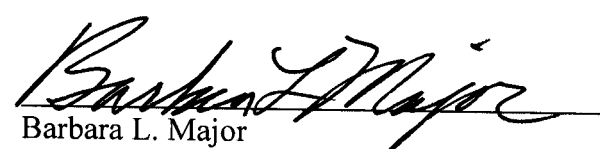
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Alejandro Hinojosa
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF January 2008



Barbara L. Major

UNITED STATES MAGISTRATE JUDGE

1.) **Eduardo RAMIREZ-Landero**

2.) **Gilberto ROJAS-Casian**

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juan Francisco RUANO-Sandoval, Mario A. DURAN-Cerrillo, and Felipe De Jesus VARGAS-Ruano**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 30, 2008 at about 5:00 a.m., Border Patrol Agent K. Wies was performing line watch duties near the area known to Border Patrol agents as "The Sewage Treatment Plant". Due to its proximity to the border fence, this area is commonly used by undocumented aliens to further their entries into the United States, and is notorious for the presence of illegal aliens. This area is about 2 miles west of the San Ysidro, California, Port-of-Entry, and about 600 yards north of the U.S./Mexico border fence.

At approximately 5:10 a.m., a sensor activation occurred near an area known to Border Patrol Agents as "Area 51". The National Guard who manned "East Scope" (infrared thermal imaging scope) radioed shortly afterwards and stated that he observed a large group of individuals near the area of the sensor activation. The scope operator later radioed that he had lost sight of the individuals as they moved north, because his view was obstructed by the buildings of the Sewage Treatment Plant.

Agent Wies responded to the area, at the direction of the scope operator, and began to search for the group of suspected illegal-entrant aliens. At approximately 5:40 a.m., while searching the area known to Border Patrol agents as the "DRMO Lot", Agent Wies opened a conex container and observed thirteen individuals inside, who appeared to be trying to hide.

Agent Wies identified himself as a Border Patrol Agent and began to question all thirteen individuals as to their immigration status. All thirteen subjects, including two later identified as the defendants **Gilberto ROJAS-Casian and Eduardo RAMIREZ-Landero**, stated that they were undocumented Mexican nationals, and that they had entered the United States illegally. All thirteen persons, including the defendants were placed under arrest, and transported to the Imperial Beach Border Patrol Station for further processing.

STATEMENT OF DEFENDANT #1 Eduardo RAMIREZ-Landero

RAMIREZ was read his Miranda rights in the Spanish language and asked if he had understood those rights. RAMIREZ said that he understood his rights, and was willing to answer questions without the presence of an attorney.

RAMIREZ stated that he is an undocumented Mexican national and that he was illegally present in the United States. He stated that he does not have, nor has he ever had, any immigration documents allowing him to enter or be in the United States legally. RAMIREZ stated that he is known by the moniker "El Tabasco". When asked how he had become involved in the smuggling of undocumented aliens, RAMIREZ stated that a friend of his from Tabasco, who is known as "El Tigre", had moved to Tijuana and worked as a foot guide, smuggling aliens. He stated that he wanted to work as a guide and so he asked "El Tigre" if he could arrange it.

RAMIREZ said that they agreed to give him work as a guide, and that it was explained to him that his job would be to cross people on foot and that he would be paid 1000 pesos, or approximately \$100.00 (USD), per alien whom he successfully crossed. When asked, RAMIREZ said that he knew that the people he was crossing did not have documents allowing them to enter the United States legally.

1.) Eduardo RAMIREZ-Landero

2.) Gilberto ROJAS-Casian

When asked the name of the foot guide with whom he was working, RAMIREZ said that he is known as "El Aullido". He stated that this is the third time which he has worked with "El Aullido" smuggling aliens. RAMIREZ said that he has never been successful smuggling, and that he has attempted to guide groups on three occasions and has been arrested each time.

RAMIREZ said that he did not know where they were going and that "El Aullido" was telling him where to go. He said that after running north they all hid in a metal trailer or shipping container. He said that they waited there for some time and that some agents then came and found them in the container and arrested them.

RAMIREZ was shown 13 color Polaroid photographs, of all of the individuals arrested in the smuggling event. He identified photograph #9 as his partner, the other foot guide, "El Aullido". Photo #9 of the set of 13 Polaroid photographs is defendant #2 Gilberto ROJAS-Casian.

STATEMENT OF DEFENDANT #2 Gilberto ROJAS-Casian

ROJAS was read his Miranda rights in the Spanish language and asked if he had understood those rights. ROJAS said that he understood his rights and was willing to answer questions without the presence of an attorney.

ROJAS stated that he is an undocumented Mexican national and that he is illegally present in the United States. He stated that he does not have, nor has he ever had any immigration documents allowing him to enter or be in the United States legally.

ROJAS stated that he began working as a foot guide in the beginning of 2006. He stated that between January and May of 2006 he was arrested three times guiding groups of illegal aliens. He stated that his job was to cross groups of undocumented persons on foot and direct and lead them. ROJAS said that he is paid \$100.00 (USD) for each alien whom he successfully smuggles into the United States. ROJAS said that he was working crossing groups primarily through the Colonia Libertad area.

ROJAS said that he has been apprehended three additional times this month, trying to guide groups of aliens, and that he has a total of six apprehensions by the Border Patrol. He stated that his last two apprehensions have been in the Jacume area, where he had never worked in the past. He stated that he has been successful guiding groups of aliens on between 10 and 15 occasions. He said that he has always been paid \$100.00 (USD) per alien.

As relates to today's event, ROJAS said that he and "El Tabasco" were smuggling a group of 10 or 11 persons. He stated that he was aware that these persons did not have documents allowing them to enter the United States legally. ROJAS said that he was carrying a cell phone, but that he threw it away before they were arrested.

ROJAS said that after crossing the second fence, they ran north, but couldn't run any further, so they hid in a trailer. He stated that he was supposed to have brought the group to a traffic signal where they were to be picked up. ROJAS said that he did not know who was coming to pick them up. He further said that he doesn't know who any of the drivers are and that he only knows some of them by sight.

ROJAS was shown 13 color Polaroid photographs, of all of the individuals arrested in the smuggling event. He identified photograph #10 as "El Tabasco", his partner, who was guiding the group together with him. Photo #10 of the set of 13 Polaroid photographs is defendant #1 Eduardo RAMIREZ-Landero.

1.) Eduardo RAMIREZ-Landero

2.) Gilberto ROJAS-Casian

MATERIAL WITNESSES STATEMENTS:

The statements of material witnesses **Juan Francisco RUANO-Sandoval, Mario A. DURAN-Cerrillo, and Felipe De Jesus VARGAS-Ruano** agree in summary that they are citizens and nationals of Mexico and illegally present in the United States. They stated that they do not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. The material witnesses stated that they were to pay between \$2,000.00 to \$2,500.00 U.S. dollars to be smuggled into the United States. **DURAN-Cerrillo** and **VARGAS-Ruano** were presented with a photo lineup and identified defendant #1 as one of the foot guides.